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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/311,188	05/13/1999	DEBORAH L. PINARD	3988	9904

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EXAMINER

SING, SIMON P

ART UNIT PAPER NUMBER

2645

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/311,188	PINARD, DEBORAH L.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Simon Sing	2645	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-7 and 10-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28 and 10-13 is/are allowed.
- 6) ☒ Claim(s) 1,4-7,14-27,29 and 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 4-7, 14-19, 27, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonough et al. US 6,115,693 in view of Visual Decision's Discovery for Developers (IDS provided by Applicant).

1.1 Regarding claims 1, 15 and 16, McDonough discloses a Quality Center for a Virtual Sales and Service Center in figures 1-7. McDonough's system comprising:

a network for connecting different resources at the Virtual Sales and Service Center, such as Employee Phone 340, Employee Workstation 342, VRU 320, Servers 350, 354, 358 and 356 (figure 3);

a plurality of applications (residing in servers 350-356) connected to said network for handling a different type of incoming communications and storing information concerning the incoming communications received (column 10, lines 10-15, 22-23; column 11, lines 5-8);

a computer (or computers) located in quality center 390 (column 11, lines 35-67) connected to said network and received said incoming communications information

from selected applications (column 11, lines 55-60). McDonough also teaches in figure 1, a 3-D representation of the virtual sales and Service Center access Logistics such that a x-axis (first axis) denotes access methods (types of incoming communications, such as fax, phone and e-mail), a y-axis (second axis) denotes the number of initiators (Note: the y-axis shows at least two initiators, i.e. one incoming communication is from a customer 210 and a second incoming communication is from company 208; column 6, lines 40-42) and a z-axis (third axis) denotes communication resources (categories of answering incoming communications, such as employee and VRU for phone calls, and email server and web server for answering e-mail) which were used to handle the incoming communications (figure 1; column 5, lines 58-67; column 6, lines 1-37).

McDonough teaches showing types of incoming communications, numbers of incoming communications and categories of incoming communications on x-y-z axes in figure 1, and McDonough further teaches monitoring the volume (number) and statistics of incoming communications (column 11, lines 5-8; column 12, lines 5-8), but fails to explicitly teach using a computer program for generating the 3-D representation of the incoming communications shown in figure 1.

However, Visual Decision's Discovery for Developers (VDDD) discloses that visualizing information using 3-Dimensional graphics is old and well known (page 1, paragraph 2). VDDD teaches a user configurable 3-D graphical application (page 6, paragraphs 3-5), which is able to acquire data from a database or from real-time feeds (page 3, paragraphs 4-5) and dynamically displaying the acquired data in a 3-D view such as lines, cubes, charts, surfaces, positions, sizes and orientation, etc., and the 3-D

view can be laid out or arranged in any fashion in a 3-D scene (page 3, paragraphs 6-8). VDDD also teaches monitoring telecommunication network activities as an example.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the McDonough's reference with the teaching of Visual Decision's Discovery Developer, so that a three-dimensional representation with a x-axis (first axis) denotes types of incoming communications, a y-axis (second axis) denotes the volume (number) of incoming communication and a z-axis (third axis) denotes categories of incoming communications would have been generated by a computer program, so that a user would have easily visualized the incoming communications on a computer screen.

1.2 Regarding claims 4 and 17, the modified McDonough reference fails to specifically teach that the sizes of the objects representing the number of incoming communications of each type, however, examiner takes office notice that an object's size based on the number of an incoming communication is old and well known in the art (such as in a chart), and as discussed in claim 1, positions and sizes of a 3-D view can be arrange in any fashion. Therefore, it would have been obvious to create a three-dimensional representation with an object size represent the number of incoming communications in a 3-D view.

1.3 Regarding claim 5, as discussed in claim 1, positions and sizes of a 3-D view can be laid out or arranged in any fashion.

1.4 Regarding claim 6, as discussed in claim 1, the modified McDonough's reference teaches a three dimensional (x-y-z) view and the y-axis represents the number of incoming communications.

1.5 Regarding claims 7 and 18, the modified McDonough reference fails to specifically teach that the some objects are subdivided to categorize incoming communications into read and unread, however, examiner takes office notice that in e-mail and voicemail, dividing messages into read and unread (old and new) is well known in the art. Therefore, it would have been obvious to categorize e-mail and voice mail messages into read and unread.

1.6 Regarding claim 14, as discussed in claim 1, views can be laid out or arranged in any fashion in a 3-D scene, so it is inherent that the three dimensional representation is configured (arranged) by a user.

1.7 Regarding claim 19, McDonough teaches incoming communications including e-mail (e-mail server 358) and fax mail (fax server 350) as shown in figure 3.

1.8 Regarding claim 27 and 29, McDonough discloses a Quality Center for a Virtual Sales and Service Center in figures 1-7. McDonough's system comprising:

a network for connecting different resources at the Virtual Sales and Service Center, such as Employee Phone 340, Employee Workstation 342, VRU 320, Servers 350, 354, 358 and 356 (figure 3);

a plurality of applications (residing in servers 350-356) connected to said network for handling a different type of incoming communications and storing information concerning the incoming communications received (column 10, lines 10-15, 22-23; column 11, lines 5-8);

a computer (or computers) located in quality center 390 (column 11, lines 35-67) connected to said network and received said incoming communications information from selected applications (column 11, lines 55-60). McDonough also teaches in figure 1 a 3-D representation of the virtual sales and Service Center access Logistics such that a x-axis (first axis) denotes access methods (types of incoming communications, such as fax, phone and e-mail), a y-axis (second axis) denotes the number of initiators (Note: the y-axis shows at least two initiators, i.e. one incoming communication is from a customer 210 and a second incoming communication is from company 208; column 6, lines 40-42) and a z-axis (third axis) denotes communication resources (categories of answering incoming communications, such as employee and VRU for phone calls, and email server and web server for answering e-mail) which were used to handle the incoming communications (figure 1; column 5, lines 58-67; column 6, lines 1-37).

McDonough teaches showing types of incoming communications, numbers of incoming communications and categories of incoming communications on x-y-z axes in figure 1, and McDonough further teaches monitoring the volume (number) and statistics

of incoming communications (column 11, lines 5-8; column 12, lines 5-8), but fails to explicitly teach generating such a 3-D representation (figure 1) by using a computer program with some objects categorized into read and unread incoming communications.

However, Visual Decision's Discovery for Developers (VDDD) discloses that visualizing information using 3-Dimensional graphics is old and well known (page 1, paragraph 2). VDDD teaches a user configurable 3-D graphical application (page 6, paragraphs 3-5), which is able to acquire data from a database or real-time feeds (page 3, paragraphs 4-5), and dynamically displaying the acquired data in a 3-D view such as lines, cubes, charts, surfaces, positions and sizes, etc., and the 3-D view can be laid out or arranged in any fashion in a 3-D scene (page 3, paragraphs 6-8). VDDD also teaches monitoring telecommunication network activities as an example.

Therefore, since categorizing Internet and e-mail messages into read and unread (old and new) were well known in the art, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the McDonough's reference with the teaching of Visual Decision's Discovery Developer, so that a three-dimensional representation of McDonough's with read and unread objects would have been generated by a computer program, so that a user would have easily visualized the incoming communications in 3-D view.

1.9 Regarding claim 30, McDonough teaches incoming communications including e-mail (e-mail server 358) and fax mail (fax server 350) as shown in figure 3.



Art Unit: 2645

2. Claims 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Windows 95.

2.1 Regarding claim 20, Applicant claims a computer program able to display: (a) a window on a monitor, and (b) a user defined landscape (graph) with three-dimensional view representing incoming communications in the window. In Windows 95 (see Mastering Windows 95, authored by Robert Cowart, and published by Sybex in 1995), a PAINT APPLICATION (start-programs-accessories-paint) opens a new window on a computer screen, enables a user to draw/paint (user defined landscape), and to save any drawing the user may have created in a storage medium (see figures 21.2, 21.5 and page 848 of Cowart). The PAINT APPLICATION teaches that with a Pencil (drawing tool), a user is able to draw strait lines in horizontal (x-axis), vertical (y-axis), diagonal (z-axis) and inherently, parallelograms (objects of claimed invention) (page 820, second paragraph, of Cowart), and 3-D objects can be displayed in the paint window (see figure 21.2 of Cowart).

Windows 95 (PAINT APPLICATION) fails to specifically teach displaying a drawing (graph), which is a three dimensional view with objects representing different types of incoming communications, said graph includes a first axis denoting different types of incoming communications, a second axis denoting numbers of incoming communications and a third axis denoting categories of incoming communications of within each type.

However, since the Windows 95 is able to (a) open a new window on a monitor and (b) display any graph (including three dimensional) drawn by a user, then it obvious that when a claimed 3-D landscape was drawn by a user using the PAIN APPLICATION, the Windows 95 would have been able to display it.

2.2 Regarding claim 21-26, how to draw a three-dimensional graphical representation would have been a user's choice; and no matter how the three-dimensional graphical representation was drawn, the Windows 95 would have been able to display it.

### ***Allowable Subject Matter***

3. Claims 28 and 10-13 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

3.1 Independent claim 28, McDonough teaches handling incoming communications in a call center. McDonough fails to teach determine whether incoming call, including telephone and voicemail, are internal or external callers, since a call center only monitors external calls (coming from an external source), there is no motivation modified the McDonough's reference to include internal telephone calls and voice messages in a 3-D graphical representation of incoming calls.

3.2 Claims 10-13 are dependents of claim 28 and therefore would have been allowed.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1, 4-7, 14-27, 29 and 30 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's arguments regarding claims 1, 4-7, 14-19, 27, 29 and 30 filed on 08/30/2005 have been fully considered but they are not persuasive.

The Applicant argues that the modified McDonough's reference fails to teach the claimed features of a three dimensional representation for representing types, number and categories of incoming communications. However, as discussed in claim 1, for example, McDonough teaches a system with computer(s) connecting to a plurality of applications (fax sever, web server, e-mail server, etc. see figure 3) for monitoring types (fax, phone, e-mail, etc) of incoming communications, volume (number) of incoming communications, and categories of incoming communications. Furthermore, VDDD teaches acquiring data, either from a database or from real-time feeds, for generating any 3-dimensional representations in any fashion desired by a user, VDDD further discloses an example for monitoring telecommunication network activities. Since McDonough teaches monitoring network activities of a call center in a three-dimensional representation, and VDDD also teaches a 3-D telecommunication network monitoring, therefore the combination of McDonough and VDDD is proper, and the modified

McDonough's reference would be able to generate a three-dimensional representation representing incoming communications in any fashion, including the features claimed by the Applicant.

6. Applicant's arguments regarding claims 20-26 filed on 08/30/2005 have been fully considered but they are not persuasive.

The Applicant argues that MicoSoft Windowds 95 does not teach a specific 3-D landscape recited in claim 20. However, in claim 20, Applicant claims a **computer program** able to **display** a window on a monitor and to **display** a user defined graph (with a 3-D view representing incoming communications) in the window. As discussed in this office action, the Paint Application of MicroSoft Windows 95 is able to open (display) a new window and display a user defined 3-D graph with horizontal, vertical, and diagonal lines. The Windows 95 obviously is able to display a landscape with features recited in claim 20 when the landscape is drawn up using the Paint Application, because whatever is shown in a graph, whether with the landscape defined in claim 20 or with any other user defined landscapes (either realistic or imaginary), does not affect the displaying ability of the Paint Application.

### **Conclusion**

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is (571) 272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.



S. Sing

11/23/2005



FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600